

REMARKS

By this Amendment, claims 1 and 7 are amended to merely clarify the recited subject matter. Claims 1-8 and 10-11 are pending. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Applicant traverses the objection to the specification because there is no requirement that there be a word-for-word correspondence with the claimed invention. All that is required is that one of ordinary skill in the art would understand the scope of the claimed invention based on the claims themselves read in light of the specification.

Claims 1-8 and 10-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kortessalmi et al. (U.S. Patent No. 6,427,073; hereafter "Kortessalmi").

Applicant traverses the rejection because Kortessalmi fails to teach or suggest all the features recited in the rejected claims. For example, Kortessalmi fails to teach or suggest the claimed method or means for checking whether there is a record in the database, which contains a mobile equipment identity corresponding to the mobile equipment identity first transmitted by the mobile station, and, if there is a record in the database, checking further in response to said record being found, whether the record includes a mobile subscriber identity corresponding to the mobile subscriber identity first transmitted by the mobile station, and, if there is no record in the database, producing at least a signal indicating that the mobile equipment identity is possibly a copied one, as recited in independent claims 1 and 7 and 10.

However, the claimed invention clearly recites that first IMEI codes are used and, only after that, i.e., secondly, IMSI codes are used. Kortessalmi teaches the contrary, as recognized by the Office Action at page 3, lines 6-8: "by using the IMSI received. . ." and ". . . corresponding to the IMSI." Thus, Kortessalmi teaches first using the IMSI codes.

This distinction is clear from the teachings of Kortessalmi in general because Kortessalmi is directed to preventing misuse of a copied subscriber identity, i.e., IMSI. To the contrary, Applicant's claimed invention is directed to detecting a copied international mobile equipment identity, i.e., IMEI.

As explained previously, Kortessalmi is directed to an invention for preventing misuse of a copied subscriber identity (i.e., IMSI), rather than detecting a copied international mobile equipment identity (i.e., IMEI). Thus, Kortessalmi merely discloses sending the IMSI to the HLR, receiving a list of IMEI codes according to the IMSI, and accepting the location update of the MS if IIV (IMSI-IMEI verification) is not in use. Kortessalmi also checks if $IMEI_{MS} =$

IMEI_{HLR} on the list if IIV is in use, and if so, accepts the MS location update. Otherwise, the MS location update is rejected. See, column 6, lines 8 to 20.

To the contrary, the claimed invention requires first checking whether the IMEI listed in the database matches that IMEI first sent by the mobile subscriber and, only after an affirmative determination, checking whether the IMSI in a record matches the IMEI first sent by the mobile subscriber; if the latter determination is negative, at least a signal is produced.

Thus, Kortesalmi fails to disclose, teach or suggest checking whether there is a mobile subscriber identity corresponding to a mobile subscriber identity first transmitted by a mobile station after checking of the existence of a database record (which contains the mobile equipment identity corresponding to the mobile equipment identity transmitted by the mobile station). Thus, Kortesalmi also fails to disclose, teach or suggest producing at least a signal indicating that the mobile equipment identity is possibly a copied one, if the check is failed.

Contrary to the assertions of the Office Action, Kortesalmi, at col. 6, lines 29-37, does not “imply” that a negative acknowledgement is sent if IIV is in use for a subscriber and the IMEI sent by the mobile station does not correspond to any of the IMEI identities sent by the HLR. There is not implication of such operation. Therefore, the conclusion is based on impermissible hindsight analysis.

Therefore, Applicant submits that Kortesalmi fails to disclose, teach or suggest the claimed invention. Accordingly, claims 1-9 and 10-11 are allowable. All objections and rejections having been addressed, Applicant looks forward to receiving a notice of allowance indicating the allowability of all pending claims. However, if anything further is necessary to place the application in condition for allowance, Applicant requests that the Examiner telephone Applicant’s undersigned representative.

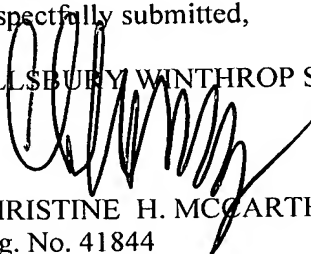
In view of the above remarks, it is respectfully submitted that all of the claims are allowable and that the entire application is in condition for allowance. Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

SALMIVALLI -- 10/014,804
Attorney Docket: 060258-0284103

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Respectfully submitted,

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